

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 03-862-B)

In re Application of:

Bettencourt et al.) Examiner: M.M. Cordero Garcia
Serial No.: 10/789,246) Group Art Unit: 1654
Filed: February 27, 2004) Confirmation No. 9463
For: Integrated Capture and Purification Strategy)
For Tagged Proteins)

TRANSMITTAL LETTER

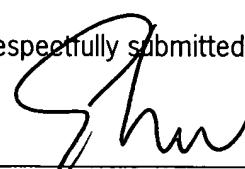
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In regard to the above identified application.

1. We are transmitting herewith the attached:
 - a) Response to Office Action dated September 7, 2005
 - b) Return Postcard
2. With respect to fees:
 - a) No check is attached.
 - b) General Authorization: Please charge any underpayment or credit any overpayment our Deposit Account No. 13-2490.
3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.10: The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service as "Express Mail Post Office to Addressee", addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this Oct. 7, 2005 day of October, 2005 under Express Mail Label No. EV596647150US.

Respectfully submitted,


Emily Miao
Registration No. 35,285



10-11-05

ZJW

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(Case No. 03-862-B)

In re Application of:)
Bettencourt, et al.) Examiner: M.M. Cordero Garcia
Serial No.: 10/789,246) Group Art Unit: 1653
Filed: February 27, 2004) Confirmation No. 9463
For: Integrated Capture and Purification Strategy)
For Tagged Proteins)

RESPONSE TO OFFICE ACTION DATED SEPTEMBER 7, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a response to the Office action dated September 7, 2005. The Office action included a restriction requirement. Applicants provisionally elect, with traverse, the invention of Group I (claims 1-19) for prosecution. With regards to the species election, the Applicants provisionally elect, with traverse: (a) polyhistidine tagged cytokine as the species of tagged protein; (b) heparin tagged support as the species of negatively-charged tagged support; and (c) nickel nitrilotriacetic acid affinity support as the species of tag-specific affinity support. The Applicants believe that the claims are generic, however, claims 11 and 17 recite the species of (a); claims 7 and 8 recite the species of (b); and claims 10 and 17 recites the species of (c).

On review of this request, however, it is believed to be improper and withdrawal is requested. That is, according to MPEP section 803, a restriction should never be required unless an examination of all the claims in a single application would be a serious burden on the Examiner. That is true even if the restriction is otherwise proper. Here, the searches involved for the subject matter of the groups would appear to at least overlap since both Groups I and II (claims 20-24) belong to the same class 530. As such, an examination of all the claims in a single application would not be unduly burdensome. Withdrawal of the restriction requested, therefore, is in order and is earnestly solicited.

Prompt consideration and entry of this response is respectfully requested.

Respectfully submitted,



Emily Miao
Registration No. 35,285

Dated: Oct. 7, 2005

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